



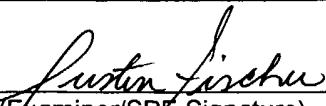
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,709	06/12/2001	Wade Summers	SUM.101	3775
24062	7590	09/14/2004	EXAMINER	
CAMORIANO & ASSOCIATES			FISCHER, JUSTIN R	
8225 SHELBYVILLE ROAD				
LOUISVILLE, KY 40222			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	09/879,709	SUMMERS, WADE	
Examiner	Art Unit		
Justin R Fischer	1733		
All Participants:	Status of Application: <u>Pending</u>		
(1) <u>Justin R Fischer</u> .	(3) <u>Theresa Camoriano</u> .		
(2) <u>Blaine Copenheaver</u> .	(4) <u>Wade Summers</u> .		
Date of Interview: <u>17 August 2004</u>	Time: <u>11:30</u>		
Type of Interview:			
<input checked="" type="checkbox"/> Telephonic <input type="checkbox"/> Video Conference <input type="checkbox"/> Personal (Copy given to: <input type="checkbox"/> Applicant <input type="checkbox"/> Applicant's representative)			
Exhibit Shown or Demonstrated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes, provide a brief description:			
Part I.			
Rejection(s) discussed: <i>35 USC 112, 1st Paragraph rejections and 35 USC 103 rejection under Krum</i>			
Claims discussed: <i>1 and 6</i>			
Prior art documents discussed: <i>Krum</i>			
Part II.			
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED: See Continuation Sheet			
Part III.			
<input type="checkbox"/> It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability. <input checked="" type="checkbox"/> It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.			
 BLAINE COOPENHEAVER SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700			
 (Examiner/SPE Signature)		(Applicant/Applicant's Representative Signature – if appropriate)	

Continuation of Part II: Applicant argued that the language of claims 1 and 6 did not constitute new matter as set forth in the Final Rejection. Regarding the language "repeating pattern", it is agreed that while only a single specie is expressly disclosed, a fair reading of the original disclosure suggests that repeating patterns other than an alternating high-low construction are supported by the original disclosure (the language "for example" implies that the expressly disclosed specie is only exemplary). As such, the 112, 1st paragraph rejection will be withdrawn.

As to the "rigidity of the balls", it was suggested that the "space" be defined in such a manner that eliminates the rim lock from being viewed as spanning the space since the rim lock is more rigid than the balls, as acknowledged by applicant in the previous response. It is noted that the "space" has been previously viewed as that region defined between the tire inner surface and the rim- thus, the rim lock, while only having a slight radial extension into the space, does in fact span the space (although not entirely). The rejection will be re-evaluated upon receipt of a proposed amendment.

Lastly, regarding the language "at least some of", applicant contends that the description of an embodiment in which all the balls circumferentially shift is sufficient to support a claim in which "at least some of" the balls shift. However, it is the examiner's position that the original disclosure did not envision (nor has support for) an embodiment in which only some of the balls shifted. In fact, an embodiment in which some of the balls do not circumferentially shift represents a materially different inventive concept in relation to that which was positively described in the original disclosure (all balls shift) and would be expected to provide a tire having a different capability/function

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upon puncture. Thus, the mere description of a single specie in this instance is not seen to be sufficient to obtain coverage for the broader concept of "at least some of the balls" shifting.



Justin Fischer

August 17, 2004